

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH ARCHULETA, et al.,**

**Plaintiffs,**

**v.**

**CIV-606 RB/LAM**

**JOE R. WILLIAMS, SEC'Y OF CORR., et al.**

**Defendants.**

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL (Doc. 3)**

**THIS MATTER** is before the Court on Plaintiffs' *Motion for Appointment of Counsel* (Doc. 3) (hereinafter "**Motion**"), filed June 22, 2009. For the reasons set forth below, the Court **FINDS** that the motion is not well-taken and should be **DENIED** at this time.

The Court notes that this **Motion**, although signed only by Plaintiff Martin Gonzales, appears to request appointment of counsel on behalf of all the Plaintiffs. See **Motion** at 1-2. A *pro se* plaintiff may not represent other plaintiffs. See *Cotner v. Hopkins*, 795 F.2d 900, 902 (10th Cir. 1986) ("a plaintiff must assert his own constitutional rights") (citations omitted). Moreover, "[e]very . . . written motion . . . must be signed by . . . a party personally if the party is unrepresented [by an attorney]." Fed. R. Civ. P. 11(a). Accordingly, to the extent the **Motion** requests appointment of counsel for any Plaintiff other than Plaintiff Gonzales, the motion is **DENIED**.

Factors which the Court weighs when considering a motion for appointment of counsel include "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the

litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'"

*Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). See also *Hill v. Smithkline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). In considering the **Motion** in regard to Plaintiff Gonzales, the Court has carefully reviewed the motion, relevant case law, and the pleadings filed in this case in light of the above-referenced factors. Having done so, the Court finds that Plaintiff Gonzales appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. Therefore, the motion for the appointment of counsel for Plaintiff Gonzales will be **DENIED** at this time.

**IT IS THEREFORE ORDERED** that the *Motion for Appointment of Counsel* (Doc. 3) is **DENIED** at this time.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**LOURDES A. MARTÍNEZ**  
United States Magistrate Judge